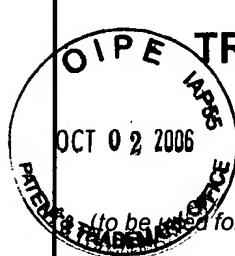


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**TRANSMITTAL  
FORM**

(To be used for correspondence after initial filing)

<b>TRANSMITTAL FORM</b> <small>(To be used for correspondence after initial filing)</small>	Application Number	10/735,084
	Filing Date	December 12, 2003
	First Named Inventor	Richard Rollin
	Art Unit	3761
	Examiner Name	Ginger T. Chapman
Attorney Docket Number		5297/198

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> <b>Amendment/Reply</b> <b>(Response to Non-compliant Amendment under 37CFR§1.121)</b> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> <b>Postcard Receipt</b> <input type="checkbox"/> Other Enclosure(s) (please identify below):
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. <u>50-0930</u> . A duplicate copy of this sheet is enclosed.		

**CALCULATION OF FEE**

					Small Entity	Large Entity		
	Claims After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	Rate	Add'l Fee
Total		Minus	(20)	0	x \$25=	0	x \$50=	
Indep.		Minus	(3)	0	x \$100=	0	x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=	—	+\$360=	
					total add'l fee	\$ 0	total add'l fee	\$ 0

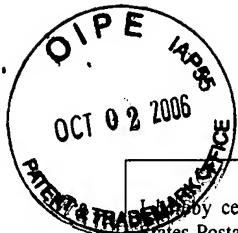
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

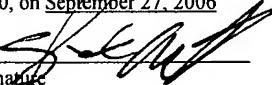
<b>Firm or Individual name</b>  Michael H. Baniak, Reg. No. 30,608 Attorney for Applicant Steven B. Courtright, Reg. No. 40,966 Agent for Applicant  BANIAK, PINE, AND GANNON 150 N. Wacker Drive, Suite 1200 Chicago, Illinois 60606	Date: September 27, 2006		
<b>Signature</b> 	Date: September 27, 2006		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: Amendment; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

<b>Signature</b> 	Date: September 27, 2006
Michael H. Baniak, Steven B. Courtright	



Certificate of Mailing	
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on <u>September 27, 2006</u>	
	<u>September 27, 2006</u> Date of Signature
<u>Steven B. Courtright</u> Typed or Printed Name of Person Signing Certificate	

PATENT  
Case No. 5297/198

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/735,084  
Applicant(s) : Richard RÖLLIN et al.  
Filed : December 12, 2003  
TC/A.U. : 3761  
Examiner : Ginger T. Chapman  
Docket No. : 5297/198  
Title: : THORAX DRAINAGE SYSTEM

Confirmation No. 1606

### RESPONSE TO NON-COMPLIANT AMENDMENT UNDER 37 CFR §1.121

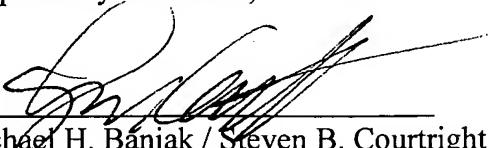
Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

This is responsive to the Notice dated September 20, 2006. The Notice required that the drawing attached to the Amendment and Response dated September 11, 2006, and filed September 14, 2006 be properly identified in the top margin. However, *no amendments were made in the drawing*. The drawing was used in the Response to show the prior existence of an element (9) to the examiner. Since no amendments were made, this notice is erroneous and should be withdrawn. Reconsideration is requested.

September 27, 2006

Respectfully submitted,

  
Michael H. Baniak / Steven B. Courtright  
Registration No. 30,608 / 40,966  
Attorney/Agent for Applicants

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